

**Superior Court of Washington
County of**

In re the Marriage of:

and

Petitioner,

Respondent.

No.

**Motion and Declaration for
Default
(MTDFL)**

I. Motion

_____ [Name of moving party] moves the court for
an order of default. Venue of this action is proper as set forth in the Declaration below.

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue pursuant to the allegations of the petition at the time
of filing.

The petitioner resides in _____ [County and State].

The child(ren) reside(s) in _____ [County and State].

Respondent resides in _____ [County and State].
☐ Other:

2.2 Jurisdiction Over Nonmoving Party

This court has jurisdiction over _____ [Name of nonmoving party]
because:

- ☐ the nonmoving party is presently residing in Washington.
- ☐ the petitioner and respondent lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
- ☐ the petitioner and respondent may have conceived a child while within Washington.
- ☐ Other:

2.3 Service on Nonmoving Party

The nonmoving party was served with _____ [Documents]
on _____ [Date]:

- ☐ in the state of Washington.
- ☐ in _____ [State or Country where served]. Service within the state of Washington could not be made for the following reasons:

2.4 Time Elapsed Since Service on the Nonmoving Party

- ☐ The nonmoving party was served within the state of Washington and more than 20 days have elapsed since the date of service.
- ☐ The nonmoving party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- ☐ The nonmoving party was served by mail and more than 90 days have elapsed since the date of mailing.
- ☐ The nonmoving party was served by publication and more than 60 days have passed since the date of first publication.

2.5 Appearance of the Nonmoving Party

- ☐ The nonmoving party has failed to appear.
- ☐ The nonmoving party has appeared, but has failed to respond.

2.6 Servicemembers Civil Relief Act Statement

2.6.1 ☐ The nonmoving is not a service member or a dependent of a service member.

2.6.2 The nonmoving party – service member:

☐ is on active duty in the U.S. armed forces (excluding National Guard and reserves);

☐ is on active duty and is a National Guard member or a Reservist residing in Washington;

☐ is not on active duty in the U.S. armed forces (excluding National Guard and reserves);

☐ is not on active duty and is a National Guard member or a Reservist residing in Washington;

☐ I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces;

☐ I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington;

based upon the following facts:

☐ As indicated above, the nonmoving party is on active duty and (check all that apply):

☐ The nonmoving party is represented by an attorney.

☐ The court has appointed an attorney to represent the nonmoving party.

☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.6.3 The nonmoving party – dependent of service member;

☐ is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

☐ is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

☐ I am unable to determine whether the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

based upon the following facts:

☐ The nonmoving party failed to respond to a notice to him or her as a dependent of a person in Military Service that was ☐ served on ☐ mailed by first class mail on _____ [Date], therefore he or

she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

☐ As indicated above, the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

☐ The nonmoving party is represented by an attorney.

☐ The court has appointed an attorney to represent the nonmoving party.

☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.7 Other

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Moving Party

Print or Type Name